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The modified schedule proposed below is approved. The parties shall appear for a conference on Wednesday, January 12, 2022 at 10:00 a.m. **SO ORDERED.**

October 15, 2021

Via ECF

Honorable Loretta A. Preska
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, N.Y. 10007

 10/18/2021

LORETTA A. PRESKA, U.S.D.J.

Re: *Milburn, et al. v. Dogin, et al.*, No. 79 Civ. 5077 (LAP) (S.D.N.Y.)

Dear Judge Preska:

Plaintiffs write to update the Court on the parties' recent discussions about discovery in this matter and to respectfully request, on behalf of the parties, that the Court enter an amended Scheduling Order reflecting the parties' agreed-upon discovery and case-management deadlines, as set out below. In light of the parties' agreement, Plaintiffs also accordingly withdraw their October 11 letter motion for a discovery conference, Dkt. 675.

The parties have had further discussions following the filing of Plaintiffs' October 11 letter motion. Based upon these discussions, it is clear that Defendants are not able to reach substantial completion of document production relating to the Unit for the Physically Disabled

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(“UPD”) by the current deadline of today, October 15, *see* Dkts. 655, 657. Defendants’ incomplete production makes it impossible for Plaintiffs to take depositions by the October 29 deadline for UPD-related fact discovery, and deposition scheduling has also been made considerably more difficult by the current COVID outbreak at Green Haven. The parties therefore have agreed to an approximately two-week extension of the remaining discovery and case-management deadlines, so as to allow document production to be completed consistent with the parties’ discussions and upon Defendants’ representation that such an extension is sufficient for their fulfillment of their discovery obligations. Such an extension will also allow depositions to take place at a time when the current COVID outbreak at Green Haven will hopefully no longer be an obstacle.

The parties accordingly propose the below modified schedule for discovery relating to the UPD and respectfully request that the Court enter an amended Scheduling Order reflecting these deadlines:

- Substantial completion of document production: October 29.
- Close of UPD-related fact discovery: November 17.
- Submission of opening expert reports: November 24.
- Submission of rebuttal expert reports: December 10.
- Close of UPD-related expert discovery: December 17.
- Submission of Plaintiffs’ opposition brief to Defendants’ Motion to Terminate concerning the issues related to the UPD: December 23.
- Submission of Defendants’ reply brief to Plaintiffs’ Opposition to Defendants’ Motion to terminate: January 7, 2022.

The parties also respectfully request that, if the Court’s schedule allows it, a hearing be set for the week of January 10, 2022.

The parties thank the Court for its attention to this case and are available at the Court’s convenience.

Respectfully submitted,

/s/ Justin L. Brooke
 Jonathan M. Moses
 Justin L. Brooke
 Wilfred T. Beaye
 Getzel Berger

CC: Counsel for Defendants (via ECF)
 A.J. Agnew, Esq. (Class Co-Counsel) (via ECF)